



IT IS ORDERED as set forth below:

Date: October 10, 2024

A handwritten signature in blue ink, reading "Sage M. Sigler".

**Sage M. Sigler
U.S. Bankruptcy Court Judge**

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 7
)	
NEWPORT 222 MITCHELL STREET,)	CASE NO. 24-54060-SMS
L.P.,)	
)	
Debtor.)	

**ORDER GRANTING MOTION FOR CONFIRMATION THAT STAY IS ALREADY
TERMINATED OR, IN THE ALTERNATIVE, RELIEF FROM THE AUTOMATIC
STAY AND RELATED RELIEF**

This matter is before the Court on October 9, 2024 upon the *Motion for Confirmation That Stay is Already Terminated or, in the Alternative, Relief from the Automatic Stay and Related Relief* [Doc. No. 28] (the “**Motion**”) that was filed by Balfour Beatty Construction, LLC (“**Balfour**” or “**Movant**”) seeking confirmation that the stay does not apply to the Movant seeking to: 1) determine the amount due to Movant; and 2) liquidate its breach of contract claim in conjunction with resolving the Foreclosure Action¹ or, in the alternative, relief from the automatic

¹ Capitalized, but undefined terms used herein shall have the meaning ascribed to such terms in the Motion.

stay to allow the Movant to determine the amount due to Movant, liquidate its breach of contract claim, and otherwise resolve the Foreclosure Action. Following appropriate notice under the circumstances, no objection was filed in opposition to the Motion and no creditor or party in interest appeared at the hearing held on the Motion on October 9, 2024 to contest the relief sought in the Motion.

The Court having reviewed and considered the Motion, having found that there is cause under section 362(d) to grant the Motion for relief from the stay, that adequate notice and opportunity for a hearing has been provided and for good cause shown, it is hereby:

ORDERED, that the Motion is **GRANTED**; and it is further

ORDERED, that Movants are granted immediate relief from the automatic stay to determine the amount due to Movant, liquidate the breach of contract claim of the Movant, and otherwise resolve the Foreclosure Action and the Trial Court may, if it so determines, enter summary judgment in the mechanics' lien foreclosure action, including, but not limited to, with regard to the amount due to Movant and to liquidate the breach of contract claim of the Movant; and it is further

ORDERED, that, to the extent otherwise applicable, the automatic stay of 11 U.S.C. § 362 is hereby modified and terminated with regard to the Movants and the Foreclosure Action and the Movant is permitted to immediately continue the Foreclosure Action, determine the amount due to Movant, liquidate the breach of contract claim of the Movant, and otherwise resolve the Foreclosure Action and the Trial Court may, if it so determines, enter summary judgment in the mechanics' lien foreclosure action, including, but not limited to, with regard to the amount due to Movant and to liquidate the breach of contract claim of the Movant; and it is further

ORDERED, that, the automatic stay shall not prevent the Superior Court of Gwinnett County from entering any order or judgment that it deems necessary or appropriate pertaining to the foreclosure of mechanics' lien cause of action, including, but not limited to, determining the amount due to Movant and to liquidate the breach of contract claim of the Movant; and it is further

ORDERED, that the 14-day stay of an Order pursuant to Bankruptcy Rule 4001(a)(3), if applicable, is waived to allow this Order to be deemed effective immediately on the date of entry.

END OF ORDER

Prepare and presented by

LAW OFFICES OF HENRY F. SEWELL JR., LLC

/s/ Henry F. Sewell, Jr.

Henry F. Sewell, Jr., Esq.

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